

DOCKET NO. US 010004 (PHIL06-01805)  
SERIAL NO. 09/976,329  
PATENT

**REMARKS**

Claims 1-25 were pending in this application.

Claims 3-6, 11-14, and 19-22 have been allowed.

Claims 1, 2, 7-10, 15-18, and 23-25 have been rejected.

Claims 1, 2, 9, 10, 17, and 18 have been amended as shown above.

Claims 1-25 remain pending in this application.

Reconsideration and full allowance of Claims 1-25 are respectfully requested.

**I. ALLOWABLE CLAIMS**

The Applicants thank the Examiner for the indication that Claims 3-6, 11-14, and 19-22 are allowable. These claims have not been amended and therefore remain in condition for allowance.

**II. REJECTION UNDER 35 U.S.C. § 102**

The Office Action rejects Claims 1, 2, 7, 9, 10, 15, 17, 18, 23, and 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,466,624 to Fogg ("*Fogg*"). The Office Action rejects Claims 1, 8, 9, 16, 17, and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,600,839 to Mancuso et al. ("*Mancuso*"). These rejections are respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567

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(*Fed. Cir. 1990*)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (*Fed. Cir. 1985*)).

Claims 1, 9, and 17 have been amended to recite that a “usefulness metric” is used to determine an amount of video image enhancement applied to a “previously coded digital video signal” by an “adaptive peaking unit.” Based on the previous indication that Claims 3, 11, and 19 were patentable over *Fogg* and *Mancuso*, the Applicants respectfully submit that *Fogg* and *Mancuso* both fail to anticipate these elements of Claims 1, 9, and 17.

Accordingly, the Applicants respectfully request withdrawal of the § 102 rejections and full allowance of Claims 1, 2, 7-10, 15-18, and 23-25.

### III. CONCLUSION

The Applicants respectfully assert that all pending claims in this application are in condition for allowance and respectfully request full allowance of the claims.

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**SUMMARY**

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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